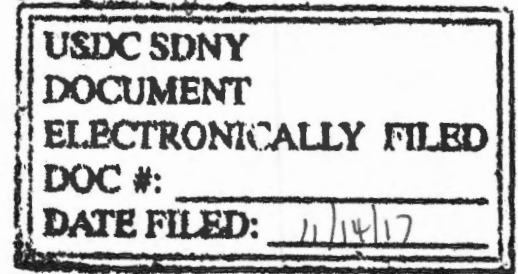


Docket file as unsigned

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



1:17-cv-08691

THE BANK OF TOKYO-MITSUBISHI UFJ,
LTD.,

Plaintiff,

v.

MARIA VULLO, in her official capacity as
Superintendent Financial Services of the New
York State Department of Financial Services,

Defendant.

**ORDER TO SHOW CAUSE
FOR PRELIMINARY
INJUNCTION AND
TEMPORARY RESTRAINING
ORDER**

Upon the Declaration of Richard C. Pepperman II, the Declaration of Michael F. Coyne, Plaintiff's Memorandum in Support of Its Motion for a Temporary Restraining Order and Preliminary Injunction, and the Complaint, all dated November 8, 2017, it is hereby:

ORDERED that the above-named Defendant show cause before this Court, in Courtroom _____, United States Courthouse, 500 Pearl Street, New York, New York on November _____, 2017, at _____ o'clock thereof, why an order should not be issued under Rule 65 of the Federal Rules of Civil Procedure enjoining the Defendant during the pendency of this action from enforcing its order issued on November 8, 2017¹ and from exercising any authority over Plaintiff's banking operations, purportedly under the New York Banking Law,

¹ Order Pursuant to the New York Banking Law and Financial Services Law, *In the Matter of The Bank of Tokyo-Mitsubishi UFJ, Ltd., et al.* (Nov. 8, 2017).

because such order and authority are preempted under Article VI of the United States Constitution, the International Banking Act, the National Bank Act, and implementing OCC regulations, and because the Defendant's order violates the International Banking Act, the National Bank Act, and implementing OCC regulations; and it is further

ORDERED that, sufficient reason having been shown therefore, pending the hearing of Plaintiffs' motion for a preliminary injunction under Rule 65, the Defendant is temporarily restrained and enjoined from enforcing its order issued on November 8, 2017 and from exercising any authority over Plaintiff's banking operations, purportedly under the New York Banking Law; and it is further

ORDERED that personal service of a copy of this order, together with the papers upon which it is based, upon the Defendant or her counsel on or before _____ o'clock in the _____, November __, 2017, shall be deemed good and sufficient service thereof; and it is further

ORDERED that opposition papers, if any, be filed and served by overnight courier and electronic mail on Plaintiff's counsel, Richard C. Pepperman II, Sullivan & Cromwell LLP, 125 Broad Street New York, New York 10004, peppermanr@sullcrom.com, on or before November __, 2017; and it is further

ORDERED that reply papers, if any, be filed and served by overnight courier and electronic mail on Defendant or her counsel on or before November __, 2017.

SO ORDERED:

U.S.D.J. *pm*

✓ Dated: _____

✓ ORDERED that security in the amount of \$ _____ will be posed by _____.

RCR